

FORM PTO-1390  
(REV 11-98)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

2447-015

INTERNATIONAL APPLICATION NO.  
PCT/AU00/01019INTERNATIONAL FILING DATE  
28 August 2000 (28.08.2000)U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  
10/009,044PRIORITY DATE CLAIMED  
27 August 1999 (27.08.1999)

TITLE OF INVENTION    OPTIMISING COCHLEAR IMPLANT ELECTRODE SELECTION

APPLICANT(S) FOR DO/EO/US    STECKER, Mathias et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4.  A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  has been transmitted by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  have been transmitted by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 16. below concern document(s) or information included:**

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A **FIRST** preliminary amendment.
- A **SECOND** or **SUBSEQUENT** preliminary amendment.
14.  A substitute specification.
15.  A change of power of attorney and/or address letter.
16.  Other items or information: **Return Receipt Postcard; copy of Notification of Missing Requirements; 1-month Extension; and cheque for \$150.00.**

17.  The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5) ) :**

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$970.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$840.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$760.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$670.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$96.00

**CALCULATIONS PTO USE ONLY**

**ENTER APPROPRIATE BASIC FEE AMOUNT =** \$

Surcharge of \$130.00 for furnishing the oath or declaration later than  20  30 months from the earliest claimed priority date (37 CFR 1.492(e)). \$

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	- 20 =		X \$18.00 \$
Independent claims	- 3 =		X \$78.00 \$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$260.00 \$

**TOTAL OF ABOVE CALCULATIONS =** \$

Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28). **1-month Extension of Time** \$ 110.00

**SUBTOTAL =** \$

Processing fee of \$130.00 for furnishing the English translation later than  20  30 months from the earliest claimed priority date (37 CFR 1.492(f)). + \$

**TOTAL NATIONAL FEE =** \$

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + \$ 40.00

**TOTAL FEES ENCLOSED =** \$ **150.00**

Amount to be:	\$
refunded	\$
charged	\$

a.  A check in the amount of \$ 150.00 to cover the above fees is enclosed.

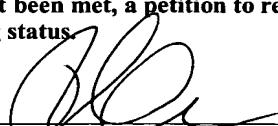
b.  Please charge my Deposit Account No. 07-1730 in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed.

c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1730. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

Attn: Tiberiu WEISZ  
GOTTLIEB RACKMAN & REISMAN PC  
270 Madison Avenue  
New York, New York 10016-0610  
U.S.



SIGNATURE:

Tiberiu WEISZ

NAME

29.876

REGISTRATION NUMBER

17.  The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5) ) :**

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CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	- 20 =		X \$18.00
Independent claims	- 3 =		X \$78.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$260.00

**TOTAL OF ABOVE CALCULATIONS =**

Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28). 1-month Extension of Time

\$ 110.00

SUBTOTAL =	\$
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).	\$ +

TOTAL NATIONAL FEE =	\$
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property	\$ + \$ 40.00

TOTAL FEES ENCLOSED =	\$ 150.00
	Amount to be: \$
	refunded \$
	charged \$

a.  A check in the amount of \$ 150.00 to cover the above fees is enclosed.

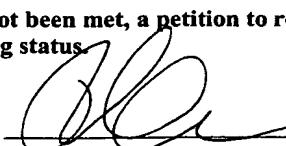
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Attn: Tiberiu WEISZ  
GOTTLIEB RACKMAN & REISMAN PC  
270 Madison Avenue  
New York, New York 10016-0610  
US



SIGNATURE:

Tiberiu WEISZ

NAME

29.876

REGISTRATION NUMBER



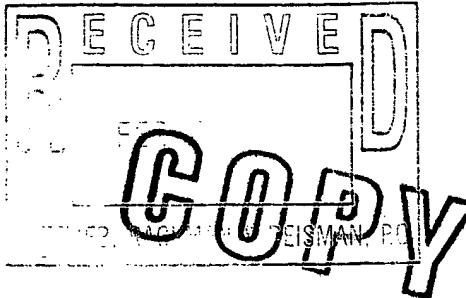
## UNITED STATES PATENT AND TRADEMARK OFFICE

**PATENTED**  
IN 4/10/02

Commissioner for Patents, Box 9-14  
United States Patent and Trademark Office  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/009,044	Mathias STECKER	2447-015

Weisz Tiberiu  
Gottlieb Rackman & Reisman  
270 Madison Avenue  
New York, NY 10016-0601



INTERNATIONAL APPLICATION NO.
PCT/AU00/01019

I.A. FILING DATE	PRIORITY DATE
08/28/2000	08/27/1999

CONFIRMATION NO. 5502  
371 FORMALITIES LETTER



\*OC000000007425523\*

Date Mailed: 02/06/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Preliminary Amendments

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FRANCINE YOUNG

Telephone: (703) 305-3662

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/009,044	PCT/AU00/01019	2447-015

FORM PCT/DO/EO/905 (371 Formalities Notice)